



CONTINUATION SHEET

INCIDENT NUMBER
12-429469
UNIT FILE NUMBER

ITEM OR ENTRY	INCIDENT INCIDENT AND ARREST ARREST ONLY	FOLLOW-UP TRAFFIC / COLLISION SUPERFORM	OTHER: (specify)	PAGE ____ OF ____
---------------------	--	---	------------------	-------------------

Incident Narrative

DVD RECORDED:

On Monday, December 17, 2012 at 0105 hours, Sergeant John J. Magan 4702 (Tom 7) directed me to respond to his location in the 5300 block of 1st Avenue South in regard to a DUI crash involving an off-duty Seattle Police Officer. I responded from East Pike Street and Crawford Place. I arrived at 0115 hours and contacted Sergeant Magan.

Sergeant Magan told me a man observed a black car crash into a pole at another location and then observed the female driver exit the car and exchange seats with a male passenger and that the car was found at this location. He told me Officers J. Nelson and C. Johnson located the car with the male in the driver's seat and the female in the passenger seat with the engine on. Sergeant Magan told me the two occupants are Seattle Police Officers and that the car was not safely off the roadway. Sergeant Magan told me there was a problem with getting additional information from the witness. I noticed that the car, a black 2009 Nissan Altima (WA/██████████) appeared to be parked at least 2-3 feet from the curb.

I was told that Officer ██████████ (Mr. ██████████) was seated in the rear of a police car. I opened the door and greeted Mr. ██████████ and told him our voice was being recorded. I immediately detected a strong odor of intoxicants coming from his breath. I asked him to explain what happened. He replied, "As far as what?" I told him about the crash and how he was found behind the wheel. Mr. ██████████ told me he was not behind the wheel. I asked him if he was found behind the wheel at any time. He told me NO. I told Mr. ██████████ what my understanding of the situation was at this point. I then asked Mr. ██████████ if he was found in the driver's seat with the engine on. He told me YES.

INVESTIGATING OFFICER Jonathan Young, Jr.	SERIAL 5162	UNIT B631D	INVESTIGATING OFFICER	SERIAL	UNIT	APPROVING OFFICER 	SERIAL
--	----------------	---------------	-----------------------	--------	------	-----------------------	--------



CONTINUATION SHEET

INCIDENT NUMBER
12-429469

UNIT FILE NUMBER

ITEM OR ENTRY	INCIDENT INCIDENT AND ARREST ARREST ONLY	FOLLOW-UP TRAFFIC / COLLISION SUPERFORM	OTHER: (specify)	PAGE ____ OF ____
---------------------	--	---	------------------	-------------------

I asked Mr. [REDACTED] how much he had to drink. He told me he had a couple of beers. I asked Mr. [REDACTED] if he felt buzzed. He told me NO. I asked him if he felt tipsy. He told me NO. I asked Mr. [REDACTED] how the crash happened. He told me he honestly did not know.

I asked Mr. [REDACTED] if he was WILLING to do some field sobriety tests. He told me YES. I directed Mr. [REDACTED] to exit the car and follow me around the corner to where my car was located. I noticed that Mr. [REDACTED] balance was unsteady. I moved my car to accommodate the test.

I asked Mr. [REDACTED] to tell me the fourth letter of the alphabet and to tell me what 20 plus 21 equals. He answered both questions correctly. I asked Mr. [REDACTED] if he felt tipsy. He told me NO. I asked him if he felt buzzed. He replied, "Maybe." I asked Mr. [REDACTED] if he should have been behind the driver's seat of the car when found by officers. He replied, "Probably not." I asked Mr. [REDACTED] for a second time if he wanted to do the field sobriety tests. I pointed out that they were voluntary. He replied, "Sure." Mr. [REDACTED] told me there was nothing physically wrong with him that would interfere with the tests.

I placed Mr. [REDACTED] under arrest for DUI/Physical Control at the conclusion of the field tests at 0130 hours. I placed him in the rear of my car and used my SPD MIR card to advise him of his Miranda Rights. He told me he understood his Rights.

I transported the defendant to the SW Precinct for processing. Upon arrival I provided him with a copy of the Implied Consent Warnings for Breath to follow along while I read it to him. The defendant signed the form indicating that I read it to him. Per the defendant's request, I placed him in contact with [REDACTED], the on-call public defender. They spoke privately for several minutes. I allowed the defendant to use the restroom after his phone call.

INVESTIGATING OFFICER
Jonathan Young, Jr.

SERIAL UNIT
5162 B631D

INVESTIGATING OFFICER

SERIAL UNIT

APPROVING OFFICER

SERIAL



SEATTLE
POLICE
DEPARTMENT

CONTINUATION SHEET

INCIDENT NUMBER 12-429469
UNIT FILE NUMBER

ITEM
OR
ENTRY

INCIDENT
INCIDENT AND ARREST
ARREST ONLY

FOLLOW-UP
TRAFFIC / COLLISION
SUPERFORM

OTHER: (specify)

PAGE ____ OF ____

The defendant indicated that he would submit to a valid breath test. I checked the temperature of the simulator. It was at 34.01 C. I checked the defendant's mouth at 0215 hours and did not find anything in it. The defendant provided two valid breath samples. The results were .161 and .149 BrAC. The defendant did not consume any alcohol between the time of the stop and the time the BAC Datamaster breath test was completed.

I provided the defendant with his DOL Notice of Right to Hearing form. His license was not on his person. It was in his jacket that was left in the car. I told the defendant that a DUI/Physical Control charge is pending. The defendant was transported to his residence by another employee.

Sergeant Sammy Dereses witnessed this process in the BAC room.

INVESTIGATING OFFICER
Jonathan Young, Jr.

SERIAL UNIT
5162 B631D

INVESTIGATING OFFICER

SERIAL UNIT

APPROVING OFFICER

SERIAL

[Signature] 12



SEATTLE
POLICE
DEPARTMENT

CONTINUATION SHEET

- ☐ GENERAL OFFENSE
☒ SUPPLEMENTAL
☐ STREET CHECK
☐ COLLISION

GENERAL OFFENSE #

12-429469

RELATED EVENT#

Submitted by

Decker, Chet D.

Serial#

7543

Date

12-17-12

Time

0450

This DUI investigation is on DVR.

Note that I have been a police officer since 2004 and have extensive DUI enforcement experience. I am also an International Association of Chiefs of Police Drug Recognition Expert, DRE #015317 and have been a DRE since March 2008. I have extensive training in HGN and other SFSTs. I hold a current WA state Breath Alcohol Test Program card. I also am trained on how to operate a PBT and am issued one. I am assigned to the DUI Squad.

On 12-17-12, I, Officer Chet Decker #7543 was on patrol and working as "Tom 77" and driving a fully-marked Seattle Police Department squad car while fully uniformed.

I was told over North Precinct air by Sgt. J. Magan #4702 to meet him in the 5600 block of 1 AV S. I responded from Greenwood AV N in the North Precinct and arrived at 0057 and learned that two off-duty Seattle Police Officers, [REDACTED] were involved in a collision with a city-owned light pole near 1935 1 AV S just after midnight.

A civilian witness (the complainant that called 911) spoke with Officer B. Hammermaster. Officer Hammermaster located the collision site at 1935 1 AV S.

The complainant would only identify himself as [REDACTED] and refused further identification. When [REDACTED] originally called 911 he reported that an approximately 25-year-old white female with dark hair and a dark shirt was driving a maroon two-door car when it collided with the light pole and that the female switched places in the driver's seat with a male and that the vehicle then drove southbound on 1 AV S with front end damage to it.

Officer J. Nelson #1561 located a vehicle matching that description on the roadway with the engine running and stopped with [REDACTED] in the driver's seat and [REDACTED] also in the vehicle. The vehicle had heavy front end damage. It was soon after that when Sgt. Magan called me to assist with a DUI investigation.

Officer C. Johnson #6706 told me that he had advised [REDACTED] of her Miranda Rights on DVR and that she said she understood them. There were several DUI Squad officers on scene as well as Car88, Capt. J. Kessler and Lt. L. Cordner, a North Precinct patrol watch commander.

I have had personal contact with [REDACTED] and know him casually through work. To my knowledge, I had never met [REDACTED] and ended up investigating her for DUI. She was in the backseat of a patrol car when I arrived on scene. I opened the door and asked her to step out. She stumbled when she exited the vehicle. I immediately detected a strong odor of alcoholic beverage in the vehicle.

She was motioning to the seat next to her in the back of the squad car and telling [REDACTED] to "Get out here." It was a jacket hanging in the back of the patrol car that another officer had left there that she was motioning to. [REDACTED] was in a different squad car.

I certify (declare) under penalty of perjury under the laws of the State of Washington that this report is true and correct to the best of my knowledge and belief (RCW 9A.72.086)

Officer Submitting Report

7543
Serial #

6123B
Unit #

12-17-12
Date Signed

Seattle WA
Place Signed



SEATTLE
POLICE
DEPARTMENT

CONTINUATION SHEET

SUBMITTED BY: DECKER, CHET D. 7543

GENERAL OFFENSE #

12-429469

RELATED EVENT#

I introduced myself, told her she was being audio and visually recorded. I told her I was doing a DUI investigation and that a witness said that she was driving and hit a pole. [REDACTED] told me repeatedly she really had "to pee."

I asked her if she was willing to do some field sobriety tests that were voluntary, and she told me that she would not because she was not driving. (She would later say she was driving). I asked her if she was willing to give me a voluntary PBT and told her it wasn't the test used as evidence under the Implied Consent Statute. She said, No. She then told me she was going to pee her pants.

I asked her if she was willing to repeat part of the alphabet. She didn't answer me. [REDACTED] repeatedly asked where [REDACTED] was. I asked [REDACTED] how much alcohol she had tonight, and she said that she and [REDACTED] had the same amount. I asked her again how many drinks she had. I continued to detect a very strong odor of alcoholic beverage when talking with her. Her speech was very slurred. She was unsteady on her feet. While walking immediately in the area and standing, it was clear she did not have good balance. [REDACTED] had bloodshot, watery eyes, and her face was flushed.

I asked [REDACTED] again how much alcohol she had tonight, and she said she didn't really want to talk to me "cause" I was an "asshole." She then turned away from me to talk with Sgt. Magan. (on DVR).

I asked her if she was willing to do some tests again, and she nodded in the affirmative. I told her the tests were voluntary. I asked her if she had any head injuries or concussions and she said she did. She repeatedly asked for me to show her where [REDACTED] was.

I asked [REDACTED] further about the head injuries or concussions she had said she had, and she told me she wasn't going to answer me and that I was an "asshole." She then called either me or Sgt. Magan "a dick." Sgt. Magan asked her if she wanted to perform any of the tests that were voluntary, and she asked for [REDACTED]. I said, "You're not willing to do any tests?" She said, No and said something again about [REDACTED]. I told her she was under arrest for DUI at 0127.

I then walked her to my squad car. She displayed unsteady balance and stumbled as she walked toward my car. [REDACTED] then had a seat in the back of my squad car, and I transported her to the North Precinct. During the transport she said to me without prompting, "Don't fucking lie, dude." (on DVR).

We arrived at the North Precinct and I led her to holding cell #1 and placed her inside for a brief amount of time. I then led her into the North Precinct BAC room. I was going to read her the Implied Consent Statute and she said something about not wanting to talk to me. I asked her if she wanted to speak to a lawyer. I was on hold for several minutes while waiting to talk with public defender [REDACTED]. I then talked with [REDACTED] briefly and gave [REDACTED] the telephone in holding cell number one and shut the door to give her privacy at 0221. Approximately three minutes later [REDACTED] informed officers that the phone had disconnected.

I then returned and called [REDACTED] again and re-connected [REDACTED] with [REDACTED] on the telephone, shut the holding cell door and gave her privacy at 0231. I left the holding cell area and returned approximately 15 minutes later to find that [REDACTED] was done with her conversation.

[REDACTED] then informed me over the telephone that she had advised [REDACTED] to do the breath test and that she felt [REDACTED] would do the breath test.

COO



SEATTLE
POLICE
DEPARTMENT

CONTINUATION SHEET

SUBMITTED BY: DECKER, CHET D. 7543

GENERAL OFFENSE #

12-429469

RELATED EVENT#

I then led [REDACTED] into the North Precinct BAC room again. Sgt. J. Magan accompanied me. I began to read her the Implied Consent Warning for Breath [REDACTED] repeatedly interrupted me, cursed at me and told me that I was an "asshole." She gave me the middle finger several times. I repeatedly informed her that there was a working camera inside the BAC room. There was also a posted sign informing her of this. [REDACTED] refused to speak with me. She continued to give me the middle finger as I warned her that her actions were being caught on tape.

After I read Implied Consent, I asked her, "Will you now submit to a breath test?" She said, "Yes, I'll do the test." I checked her mouth, which was clear on BAC room DVR, at 0259.

She also checked the "Yes" box on the Implied Consent form and wrote something that is partly illegible, including, "But notOfficer....! I will submit" and then she appears to have signed her name.

During and near this time she said I wasn't a real cop and that she's been a cop longer than me. I informed her that I was placed in an impossible situation and asked to do my job correctly and that I wasn't taking any pleasure over arresting a fellow Seattle Police Officer. [REDACTED] said that I wanted to arrest her for my "stats." I told her that wasn't true and that I wish I hadn't come to work that night.

I also started to tell her that in fact I have been a cop considerably longer than her, and she stood up and rushed towards me in an aggressive manner. Sgt. Magan held her back. She was crying at times. I told her repeatedly that all of her actions were being recorded on BAC room DVR and that I didn't want her to jeopardize herself further.

Sgt. Magan and I repeatedly talked to her in a slow, soft, calming voice. She said she was just driving her boyfriend [REDACTED] around and wanted to know what to do. I and Sgt. Magan told her she had already talked to her attorney. I told her that I was unable to give her any legal advice.

When it came actually time to provide the first breath sample she tried to pull the heated breath tube from my hand while rushing toward me. Sgt. Magan held her back. She was acting in a very aggressive manner. At one point she told me, "Suck my fucking cock!" I told her loudly and clearly to sit down and put her hands down or she was going to do something that she would regret. I told her things were getting out of control and that she needed to control herself.

During the observation period [REDACTED] put her hands over her face multiple times. She did not place anything in her mouth, however. She also repeatedly accused me of doing her wrong and not respecting that she was a fellow cop. I answered her numerous times by saying that all elements of this investigation are on video. More than once, outside the BAC room and while she was in the holding cell, I told her that I like my career and wasn't going to jeopardize it because she made a very bad decision.

I told her I felt horrible about arresting her but that I didn't have a choice. I also told her in the holding cell area that our discussions and encounters were being videotaped and that I had to write my DUI report later using those videotapes and her comments. This is something I often tell people that I arrest who insult me or act inappropriately. I say this in an attempt to get them to calm down and prevent unfortunate situations from occurring. I tried to get her to recognize the gravity of the situation and that our comments and my reports were going to be highly scrutinized by others. It appeared to me that [REDACTED] was extremely intoxicated and was unable to control her actions.



SEATTLE
POLICE
DEPARTMENT

CONTINUATION SHEET

SUBMITTED BY: DECKER, CHET D. 7543

GENERAL OFFENSE # 12-429469
RELATED EVENT#

██████████ provided Datamaster breath samples of .234 and .247.

I gave ██████████ the following pieces of paperwork: Hearing application form and Datamaster test results. I referred to the prosecutor a criminal citation (C12706941) for SMC 11.56.020, DUI.

I & R'██████████ at the North Precinct and another officer drove her home. Sgt. J. Magan screened this arrest in person on scene and at the North Precinct.